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**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 9

The use of the name of a composite genus for a component part requiring a name, where the name so used was published on, or before, 31st December 1930.

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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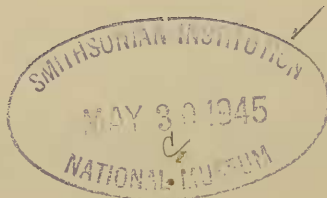
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OPINION 9.

THE USE OF THE NAME OF A COMPOSITE GENUS FOR A COMPONENT PART REQUIRING A NAME, WHERE THE NAME SO USED WAS PUBLISHED ON, OR BEFORE, 31ST DECEMBER 1930.

SUMMARY.—The decision as to whether the name of a composite genus, when made up wholly of older genera, is tenable for a component part requiring a name, depends upon a variety of circumstances. There are circumstances under which such a name may be used, provided that it was published on, or before, 31st December 1930,¹ but there are other circumstances under which such a name may not be used (Articles 30 and 25).

I.—THE STATEMENT OF THE CASE.

The following case has been submitted for *Opinion* :—

Is the name of a composite genus, when made up wholly of older genera, tenable for a component part requiring a name?

Example: *Phalangipus* Latreille, 1825,² is equivalent to *Libinia* Leach, 1815,³ plus *Doclea* Leach, 1815,⁴ plus *Egeria* Leach, 1815⁵ (no more and no less).

Libinia and *Doclea* are valid names, but *Egeria* is preoccupied.⁶ May *Phalangipus* be used in its place?

II.—DISCUSSION OF THE CASE.

2. The data regarding *Phalangipus* Latreille given in the foregoing are not sufficient to permit an *Opinion* on this particular case, but the principles involved are quite clear and can be illustrated diagrammatically.

3. Let it be assumed that there is a genus *X-us* Smith, 1850.⁷

¹ See NOTE 2 below (pp. 164-166).

² The name here referred to is *Phalangipus* Latreille, 1828, *Ency. méth.* 10 (2) (Ins.): 699 (Class Crustacea, Order Decapoda). It will be noted that its correct date of publication is "1828" not "1825" as stated in the petition submitted in this case.

³ *Libinia* Leach, 1815, *Zool. Miscell.* 2: 129 (Class Crustacea, Order Decapoda).

⁴ *Doclea* Leach, 1815, *Zool. Miscell.* 2: 41 (Class Crustacea, Order Decapoda).

⁵ *Egeria* Leach, 1815, *Zool. Miscell.* 2: 39 (Class Crustacea, Order Decapoda).

⁶ *Egeria* Leach, 1815, is invalid, since it is a homonym of *Egeria* de Roissy, 1805 (in Sonnini's Buffon), *Moll.* 6: 324 (Class Pelecypoda, Order Eulamellibranchiata).

⁷ See NOTE 3 below (pp. 166-167).

4. If Jones, 1860, proposes a substitute, *Y-us* Jones, for *X-us* Smith, 1850, the type of either becomes automatically type of the other (Article 30(f)), and *Y-us* Jones may be an available name for the genus, but it does not become valid, unless *X-us* Smith is invalidated. Thus :—

X-us Smith, 1850 : type, *X-us albus* Smith.

Y-us Jones, 1860 = *X-us* Smith, 1850, renamed. *X-us albus* Smith, 1850, becomes the type of *Y-us* Jones. See Article 30(f).

or

X-us Smith, 1850 : no type designated.

Y-us Jones, 1860 = *X-us* Smith, 1850, renamed with *X-us albus* Smith, 1850, designated type; *X-us albus* Smith becomes type of *X-us* Smith, 1850, also (see Article 30(f)). If *X-us* Smith, 1850, is preoccupied (as by *X-us* Brown, 1800), *Y-us* Jones 1860, if available,⁸ may become valid.

5. If Jones, 1860, instead of proposing *Y-us* Jones as substitute for *X-us* Smith, simply uses it in connection with the species which happen to be in *X-us* Smith, it becomes necessary to inquire into the type species (Article 30). If the type of either or of both has not been designated, any author has a right to make such designation (Article 30(g)), and the later history of the names depends upon the genotypes selected. Thus :—

X-us Smith, 1850, with *X-us albus* Smith (designated type), *cinereus*, and *niger* (type by "original designation" under Article 30(a)).

Y-us Jones, 1860, with *X-us albus* Smith, *cinereus*, and *niger* (designated type) (type by "original designation" under Article 30(a)).

6. Let it be assumed that in 1870 *X-us albus* Smith and *cinereus* are considered congeneric, but generically distinct from *niger*; both *X-us* Smith and *Y-us* Jones may be valid for the respective genera, in case they are available⁹ (Article 25). Or :—

X-us Smith, 1850, with *X-us albus* (designated type under Article 30(a)), *cinereus* and *niger*.

Y-us Jones, 1860, with *X-us albus*, *cinereus*, and *niger*; no type¹⁰ designated, and *Y-us* Jones was proposed as distinct genus, not as *X-us* Smith, 1850, re-named.

⁸ The meaning in this context of the expression "if available" is that, in the circumstances here laid down, the name *Y-us* Jones, 1860, will be valid, provided that it is not itself unavailable (a) by reason of being a homonym of some earlier generic name *Y-us* (say, *Y-us* Green, 1790) and therefore incapable of becoming a valid name (Article 34) or (b) by reason of some author before Jones, 1860, having proposed a generic name as a substitute for the preoccupied name *X-us* Smith, 1850.

⁹ Such a name could only be not "available" (i.e. "invalid"), (i) if it was either a homonym of a previously published identical generic name and was therefore invalid under Article 34 or (ii) if its type was the type (or was regarded as congeneric with the type) of a genus having an older available generic name, in which case it would be invalid as a synonym under Article 25.

¹⁰ In the original issue of *Opinion* 9, the word "type" appeared by a slip or by a misprint as "types."

7. Let it be assumed that in 1870 the foregoing data are found, and that it is desired to divide the three species in question into two genera (one with *X-us albus* and *cinereus*, the other with *niger*). Any author has the right to designate the type for *Y-us* Jones, 1860 (see Article 30(g)). If *X-us albus* or *cinereus* be designated, *Y-us* Jones, 1860, becomes a synonym¹¹ of *X-us* Smith, 1850; if *niger* be designated, *Y-us* Jones, 1860, if available⁹ for the genus recognised for *niger*, may become its generic name (Article 25).

8. The principles shown in the foregoing examples are to be applied to the more complicated cases also. For instance:—

X-us Smith, 1850, monotypic with *X-us albus* Smith, 1850, as type (Article 30(c)).

Y-us Jones, 1860, monotypic with *cinereus* as type (Article 30(c)).

Z-us, 1870 (not *Z-us* 1800), monotypic with *niger* as type (Article 30(c)).

9. Let it be assumed that in 1880 all three of these monotypic genera are united into one genus which an author, not familiar with nomenclatural principles, calls *M-us*. If this union is justified, *X-us* Smith, 1850, should stand¹² as name of the genus and *M-us* drops as a synonym (Article 25).

10. In 1890, Jones wishes to redivide this genus, with *X-us albus* Smith, 1850, and *cinereus* congeneric, but *niger* generically distinct. It now becomes necessary to inquire whether the type species of *M-us* has ever been designated (Article 30). If it has, then *M-us* must follow that type. If no genotype has been designated for *M-us*, then any author has the right to make the designation (Article 30(g)). Should he designate either *X-us albus* Smith, 1850, or *cinereus*, it is clear that *M-us*, 1880, is ante-dated by *X-us* Smith, 1850, and *Y-us* Jones, 1860 (Article 25). Should he designate *niger*, then *M-us*, 1880, may be used in place of *Z-us*, 1870 (preoccupied by *Z-us*, 1800¹³) (Articles 25 and 30).

¹¹ It should be noted that this is the first occasion on which the International Commission gave a ruling that Article 30 does not preclude an author, when selecting the type of a given genus "*X-us*," from selecting for that purpose a species included in *X-us* by the original author of that genus, where that species has in the meanwhile become the type of some other genus (*Y-us*). This important decision, though included in this passage of *Opinion* 9 and in a similar passage in *Opinion* 10 (see pp. 174–175 below), both of which were published in 1910, appears to have been largely overlooked, since in 1914 the International Commission considered it necessary to devote a later *Opinion* (*Opinion* 62) exclusively to this subject.

¹² This would not be true if the name *X-us* Smith, 1850, was itself a homonym under Article 34 and therefore invalid.

¹³ In the original issue of *Opinion* 9, this date was, through a manuscript, given as "1860" instead of "1800," which, as will be seen from the particulars given in paragraph 8 of this *Opinion*, was the date intended.

11. *Opinion* written by Stiles.

12. *Opinion* concurred in by thirteen (13) Commissioners : Blanchard, Dautzenberg, Graff, Hoyle, Jentink, Jordan,¹⁴ Joubin, Maehrenthal, Monticelli, Schulze, Stejneger, Stiles, Wright.

13. Not voting, two (2) Commissioners : Osborn, Studer.

Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.

NOTE 1.

Historical particulars.

This *Opinion* was published in July 1910 (*Smithsonian Publication* 1938 : 13-14), when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

2. This *Opinion* is undated, but it cannot have been adopted earlier than on some date in 1908 (the earliest date on which the earlier *Opinion* 6 can have been adopted¹⁵) or later than some date in the first half of 1910, since (as shown above) it was published in July of that year.

3. For the reasons explained in paragraph 4 of NOTE 1 to *Opinion* 6,¹⁶ no manuscript or other documents relating to this *Opinion* are preserved in the archives of the International Commission on Zoological Nomenclature.

NOTE 2.

On the limitation imposed on Opinion 9 by the amendment of Article 25 of the International Code adopted by the Tenth International Congress of Zoology at Budapest in 1927.

In 1927, the International Commission submitted a recommendation to the Tenth International Congress of Zoology at its meeting held at Budapest that Article 25 of the International

¹⁴ The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 9 was not a member of the Commission.

¹⁵ See paragraph 2 of NOTE 1 to *Opinion* 6 (p. 132 above).

¹⁶ See page 132 above.

Code should be amended by the addition of the following new proviso (proviso (c)) :—

(c) that no generic name nor specific name published after 31st December, 1930, shall have any status of availability (hence also of validity) under the rules, unless and until it is published, either :—

- (1) with a summary of characters (*seu* diagnosis; *seu* definition; *seu* condensed description) which differentiate or distinguish the genus or the species from other genera or species; or
- (2) with a definite bibliographic reference¹⁷ to such summary of characters (*seu* diagnosis; *seu* definition; *seu* condensed description); and further
- (3) in the case of a generic name, with the definite unambiguous designation of the type species (*seu* genotype; *seu* autogenotype; *seu* orthotype).

2. The above addition to the Code was approved by the Tenth International Congress of Zoology and came into operation as from midnight 31st December 1930/1st January 1931 (Greenwich Mean Time).

3. As pointed out in NOTE 3 to *Opinion 1*,¹⁸ the effect of the adoption of the foregoing amendment to Article 25 of the Code was to impose a limitation upon the application of *Opinions* previously rendered by the International Commission, interpreting Article 25 of the Code. Every such *Opinion* remained valid and binding, as respects names published on or before 31st December 1930 (the last day prior to the coming into force of the Budapest amendment to Article 25), but, in so far as any such *Opinion* contained an interpretation of that Article at variance with the amended provisions adopted at Budapest, such *Opinion* ceased to be applicable in respect of any name published on or after 1st January 1931 (the date on which the Budapest provisions became operative).

4. The provision (quoted in paragraph 1 above) contained in section (3) of proviso (c) added to Article 25 at Budapest requires that when a new generic name is published, it must, in order to be available (hence valid) be accompanied by "the definite unambiguous designation of the type species." The situation envisaged in *Opinion 9* cannot arise in the case of names published after 31st December 1930, for it is of the essence of that *Opinion* that at least one of the generic names concerned should have been published without a type, whereas, under the Budapest amendment to Article 25, any generic name so published is automatically

¹⁷ For an explanation of the expression "definite bibliographic reference" as here used in Article 25, see *Opinion 138* (1942, *Opinions rendered by the International Commission on Zoological Nomenclature 2* : 29-34).

¹⁸ See pp. 76-78 above.

invalid. The position is therefore that *Opinion 9* remains valid and binding as respects generic names published in the period from 1st January 1758¹⁹ up to, and including, 31st December 1930, but it is no longer applicable as respects any generic name published after that date. It is for this reason that the words "where the name so used was published on, or before, 31st December 1930" have been added at the end of the title of this *Opinion* and the second sentence of the "summary" has been altered from "There are circumstances under which such a name may be used, others under which it may not be used (Article 30)" to "There are circumstances under which such a name may be used, provided that it was published on, or before, 31st December 1930, but there are other circumstances under which such a name may not be used (Articles 30 and 25)."

NOTE 3.

On certain contractions used in the first edition of Opinion 9 for citing the hypothetical names employed in the "discussion of the case" dealt with in that Opinion.

When *Opinion 9* was first published (in 1910), the hypothetical names employed in the "discussion of the case" (paragraphs 3-10) were in many cases cited in an abbreviated form, the names of the hypothetical authors and the hypothetical dates of publication being omitted. This method of citing names (which renders the flow of the argument much more difficult to follow) contravenes the principles laid down by the International Commission in *Declaration 7* (for the text of which see pp. 49-56 above) adopted by the International Commission at their Session held at Budapest in 1927 during the meeting of the Tenth International Congress of Zoology. In that *Declaration*, the Commission made a formal request "that an author who quotes a generic name, or a specific name, or a subspecific name shall add at least once the author and year of publication of the quoted name or a full bibliographic reference." Accordingly, the hypothetical names of the hypothetical genera and species cited in *Opinion 9* have been inserted in the present edition at those points where they were omitted in 1910.

2. Similarly, where a reference is intended to a hypothetical

¹⁹ See NOTE 3 to *Opinion 3* (pp. 98-100 above) for 1st January 1758 being taken as the starting date for zoological nomenclature.

specific name but only the trivial component of that name was cited in 1910, the missing generic name has been inserted on the present occasion in order to complete the binominal combination, of which, under Article 2 of the International Code, the scientific designation of every animal consists. See NOTE 4 to *Opinion 1* (pp. 78-79 above).

3. Finally, it should be noted that in the present edition an expanded method of notation has been adopted for each of the three examples cited in paragraph 8 of *Opinion 9*. Each of those examples were intended to represent a hypothetical monotypical genus, with its type species. The method of notation adopted in 1910 for each of these examples is identical, that for the first of them being: "*X-us albus* 1850, monotypic.—(Art. 30c)." The meaning here intended to be conveyed was "*X-us* Smith, 1850, monotypic with *X-us albus* Smith, 1850, as type (Article 30(c))." For the sake of clarity, this expanded method of notation has been adopted for each of these examples in the present edition.

FRANCIS HEMMING.

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on Zoological Nomenclature*

Secretariat of the Commission,
at the British Museum (Natural History),
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1st July 1944.

THE PUBLICATIONS OF THE COMMISSION.

(obtainable at the Publications Office of the Commission at 41, Queen's Gate, London, S.W.7.)

Bulletin of Zoological Nomenclature.

This journal has been established by the International Commission as their Official Organ in order to provide a medium for the publication of :—

- (a) proposals on zoological nomenclature submitted to the International Commission for deliberation and decision ;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above ; and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

The *Bulletin* was established in 1943, in which year three Parts were published. Part 4 was published in 1944. Parts 5 and 6 are in the press.

Opinions and Declarations Rendered by the International Commission on Zoological Nomenclature.

The above work is being published in three volumes concurrently, namely :—

Volume 1. This volume will contain *Declarations* 1-9 (which have never previously been published) and *Opinions* 1-133 (the original issue of which is now out of print). Parts 1-20 (containing *Declarations* 1-9 and *Opinions* 1-11) have now been published. Further Parts will be published shortly.

Volume 2. This volume will be issued in 52 Parts, comprising all the decisions taken by the International Commission at their meeting at Lisbon in 1935, namely *Declarations* 10-12 (with Roman pagination) and *Opinions* 134-181 (with Arabic pagination). Part 52 will contain the index and title page of the volume. Parts 1-30, containing *Declarations* 10-12 and *Opinions* 134-160, have now been published. Further Parts will be published shortly.

Volume 3. This volume, which commenced with *Opinion* 182, will contain the *Opinions* adopted by the International Commission since their meeting at Lisbon in 1935. Parts 1-5 (containing *Opinions* 182-186) have now been published. Further Parts will be published as soon as possible.

APPEAL FOR FUNDS

The International Commission appeal earnestly to all institutions and individuals interested in the development of zoological nomenclature to contribute, according to their means, to the Commission's Special (Publications) Fund. Of the total sum of £1,800 required to enable the Commission to issue all the publications now awaiting printing, donations amounting to £819 8s. 7d. were received up to 31st December 1944. Additional contributions are urgently needed in order to enable the Commission to continue their work without interruption. Contributions of any amount, however small, will be most gratefully received.

Contributions should be sent to the International Commission at their Publications Office, 41, Queen's Gate, London, S.W. 7, and made payable to the "International Commission on Zoological Nomenclature or Order" and crossed "Account payee. Coutts & Co."

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